



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

December 5, 2013

Mr. Gary D. Goeke
Chief, Environmental Assessment Section
Leasing and Environment (MS 5410)
Bureau of Ocean Energy Management
1201 Elmwood Park Boulevard
New Orleans, LA 70133-2394

Dear Mr. Goeke:

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Supplemental Environmental Impact Statement (DSEIS) prepared by U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM), Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region for the Western Planning Area (WPA) Lease Sales 238, 246, and 248.

Based on our analysis, EPA rates the DSEIS as "EC-2" i.e., EPA has "Environmental Concerns and Requests Additional Information" in the Final SEIS (FSEIS)". The EPA's Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. Responses to comments on the DSEIS should include the specific page and paragraph in the document where the revision, if any, was made.

EPA appreciates the opportunity to review the DSEIS. Please send our office one copy of the FSEIS when it is filed using our *e-NEPA Electronic Filing* at <http://www.epa.gov/compliance/nepa/submitis/index.html>. Our classification will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, please contact me at 214-665-8006 or Michael Jansky of my staff at jansky.michael@epa.gov or 214-665-7451 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhonda Smith", with a large, sweeping flourish extending to the right.

Rhonda Smith
Chief, Office of Planning
and Coordination

Enclosure

DETAILED COMMENTS
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE
BUREAU OF OCEAN ENERGY MANAGEMENT'S
GULF OF MEXICO - OUTER CONTINENTAL SHELF -
WESTERN PLANNING AREA LEASE SALES 238, 246, & 248

BACKGROUND:

The Draft Supplemental Environmental Impact Statement (DSEIS) has been prepared by U.S. Department of the Interior, Bureau of Ocean Energy Management (BOEM), Gulf of Mexico (GOM) Outer Continental Shelf (OCS) Region for the Western Planning Area (WPA) Lease Sales 238, 246, and 248. This DSEIS analyzes the potential impacts of a WPA proposed action on sensitive coastal environments, offshore marine resources, and socioeconomic resources both onshore and offshore.

The proposed Federal actions addressed in this DSEIS are to offer for lease certain Outer Continental Shelf (OCS) blocks located in the Western Planning Area (WPA) of the Gulf of Mexico (GOM) (**Figure 1-1**). Under the *Proposed Final Outer Continental Shelf Oil & Gas Leasing Program: 2012-2017* (Five-Year Program) (USDO, BOEM, 2012a), proposed WPA Lease Sales 238, 246, and 248 are tentatively scheduled to be held in August 2014, 2015, and 2016, respectively. The purpose of the proposed Federal actions is to offer for lease those areas that may contain economically recoverable oil and gas resources in accordance with the Outer Continental Shelf Lands Act (OCSLA) of 1953 (67 Stat. 462), as amended (43 U.S.C. §§ 1331 *et seq.* [1988]).

COMMENTS:

Abstract

Page v states "[t]his Supplemental EIS is the final NEPA review conducted for proposed WPA Lease Sale 238. A separate NEPA review will be conducted prior to BOEM's decision on whether or how to proceed with proposed WPA Lease Sales 246 and 248."

This DSEIS is a decision document only with regard to Lease Sale 238. So, why not consider an alternative that aligns with the scope of the current decision? This would call for an alternative that would include leasing only WPA 238, scheduled for August 2014, rather than the preferred alternative to offer for lease all unleased blocks within the proposed WPA lease sale area for oil and gas operations, with the exception of those within the Flower Garden Banks National Marine Sanctuary. Lease Sales 246 and 248 are not scheduled until 2015 and 2016 respectively and further NEPA documentation for those sales is already planned so it seems that limiting the current analysis of impacts would not incur any lost time or extra analyses. Even if all three lease sales, with similar environmental impacts and analyses, were analyzed in this one DSEIS, the range of alternatives in this action could be limited to those that relate to the only decision that is proposed at this time, namely a leasing decision for Lease Sale 238. This would

provide a clearer presentation for public and interagency review by clarifying the current range of options being considered by BOEM and aligning those options with the limited scope of the current federal decision and with the applicable impacts. However, as written, the only two action alternatives, listed as Alternatives A and B, both cover leasing all unleased blocks within the proposed WPA lease sale area (238, 246, and 248), with limited exceptions.

Summary

The FSEIS should clarify whether Alternatives A and B would result in 0.116-0.200 billion barrels (BBO) and 0.538-0.938 trillion cubic feet (Tcf) of gas if only Lease Sale 238 were approved or whether these figures relate to the total expected development potential from both the NEPA action being considered in this document (Lease Sale 238) and from Lease Sales 246 and 248 to be considered as a part of future NEPA documents. Likewise, Alternative C should be clarified as to the range of foregone oil and gas development potential as a result of the more limited decision currently at hand.

For example, page x states that "the scenarios are presented as ranges of the amounts of undiscovered, unleased hydrocarbon resources estimated to be leased and discovered as a result of a WPA proposed action." However, it is not clear whether the ranges and scenarios relate to the one area to be decided at the conclusion of this NEPA exercise or whether they aggregate the three areas to be tiered under this evaluation. This same problem is encountered in the cumulative impact analyses and when trying to understand the projected direct and indirect impacts from the one lease sale and from the three lease sales.

We have no objections to the tiering approach but each level of analysis should provide clear information regarding the potential impacts of the total program and of each individual action, at least with regard to basic oil and gas resource projections.

Recommendation

- The FSEIS should clarify as to whether the low end of the development range relates to the low end of estimates for the three lease areas or whether the low end reflects the more limited development scenario of leasing only block 238. Similarly, the high end should be clarified.

3.3.3.1 Dredged Material Disposal

The following statements appear to be incorrect: "There are four small Ocean Dredged Material Disposal Sites (ODMDS) offshore Louisiana and Mississippi along open-water stretches of the main Gulf Intracoastal Waterway (GIWW) between Louisiana and Mississippi: in Louisiana ODMDS 66 (1,593 ac; 645 ha); and in Mississippi ODMDS 65A (1,962 ac; 794 ha), 65B (815 ac; 330 ha), and 65C (176 ac; 71 ha) (U.S. Dept. of the Army, COE, 2010, Table 5). Dredged materials from the GIWW are sidecast at these ODMDS locations."

Recommendation

- These sites appear to represent dredged disposal placement areas governed by the Clean Water Act, Section 404, rather than ODMS that is governed by the Marine Protection, Research and Sanctuaries Act. This correction should be made throughout the document, including within the cumulative impacts analyses.

3.3.3.1 Dredged Material Disposal

The following statement appears to be incorrect: "The remaining 57-79 percent of the total material dredged yearly by COE's New Orleans District is disposed of in ODMD's or is stored in temporary staging areas located inland (e.g., the Pass a Loutre Hopper Dredge Disposal Site at the head of the Mississippi River's main "birdfoot" distributary channel system)."

Recommendation

- The dredged material not used beneficially is disposed at placement areas regulated under the Clean Water Act, Section 404, in addition to Ocean Dredged Material Disposal Sites, governed by the Marine Protection, Research and Sanctuaries Act. This statement should be corrected.

Tribal Resources

Although the DSEIS mentions Executive Order 13175 on page 1-6, it does not specify whether Tribes were contacted for government-to-government consultation. Complete descriptions of both government-to-government and National Historic Preservation Act consultation activities should be incorporated in the DSEIS, including correspondence to and from Tribal governments and other consultation-related documents. These documents would demonstrate fulfillment of Tribal consultation duties by BOEM and show the level of Tribal government engaged in both processes.

Recommendation

- EPA recommends BOEM contact and, as appropriate, initiates consultation with Federally-recognized Tribes under EO 13175.

Appendix A. Air Quality Offshore Modeling Analysis, Conclusion

This section of Appendix A notes studies conducted in 1995 (Gulf of Mexico Air Quality Study), 2000 (2000 Gulf-wide emissions inventory), and 2008 (Assessment of onshore air quality impacts for the eastern Gulf Coast) as the basis of not performing ozone modeling for this analysis. The FSEIS should provide summary data of projected onshore ozone impacts from the noted studies to explain the basis of BOEM's determination that OCS activities "contribute only slightly to onshore ozone exceedances in the Houston/Brazoria/Galveston area of Texas." We note the 1995 study is an older study that was performed for 1-hour and not the current 2008 8-hour ozone standard of 75 ppb.

Additionally, Page A-6 of Appendix An outlines the limitations associated with the modeling effort. The DSEIS states that a more realistic estimation of shoreline impacts could have been obtained by distributing the sources of emissions across the OCS rather than using the assumption that all emissions occur at a single location in the WPA. The DSEIS also states that the hypothetical source location was chosen approximately 80 miles from shore.

Also, the references to the modeling effort state that the modeling used a "reasonable conservative approach" which included the overestimation of "reasonable" emissions. This description is vague and EPA requests more specific information in the FSEIS. Overall, the OCD modeling report including emissions modeled and the modeled concentration values for receptors evaluated should be included in the record. For example, what is the estimation of annual emissions of NO₂ in tons per year?

Recommendation

- The FSEIS should quantify emissions and modeling results used to support qualitative conclusions. Please also include the studies as attachments.
- If these studies contain projections of impacts to monitored ozone concentrations or ozone design values, please include a summary in the FSEIS in addition to the full materials as appendices/attachments.
- EPA recommends a more detailed discussion of the chosen location (and why) including specifically where that location is 80 miles offshore. For example, the FSEIS should provide the specific latitude and longitude for the chosen location and its relation to the nearest ozone nonattainment area.
- The FSEIS should identify the lease blocks in this action that are closest to shore and how the location approximately 80 miles from shore is representative or conservative.
- Conclusions indicated modeling values had been compared to SILs and increment levels. Please provide actual model values and the comparison.

